

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION.  
WRIT PETITION NO.5285 OF 2005**

Shri Balasaheb Bhausahab Alhat  
and ors. : Petitioners.  
versus  
Shri Kashinath Narayan Gaikwad : Respondent.

Mr.N.V.Walawalkar for the petitioners.

**CORAM : D.G.DESHPANDE, J.**

**DATED : 20th October 2005.**

**ORAL ORDER**

1. This petition is filed by the original defendants against the order of the trial court refusing to exhibit two xerox copies of the receipts.

2. The plaintiff was under cross examination of the defendants. The defendants had three receipts i.e. the xerox copies of all three receipts. The defendants confronted the plaintiff with one of the receipts. It was

exhibited. When the other two documents were shown to him, the plaintiff refused to admit his signature. Therefore, the court refused to exhibit those two documents. It is this order, that is challenged in this petition.

3. Notice was issued to the respondent why the petition should not be heard and decided finally. He is served. Nobody is present for him, obviously, the issue is quite small.

4. I heard Mr. Walawalkar for the petitioners. But now since the plaintiff has denied his signature on the two xerox copies of the receipt, they cannot be exhibited at this stage. The only option left open to the defendants is to prove the receipts when they lead their own evidence, get those receipts exhibited and till then they can defer their cross examination of the plaintiff or reserve their right to cross examine the plaintiff regarding those two receipts, and such right is available to the defendants which they may exercise at proper time as stated above. With this directions, the writ petition is disposed of. Stay is vacated.

[D.G.DESHPANDE, J]